

Attorney Docket No 298.41

JCO2 Rec'd PCT/PT 01 JUN 2005 PATENT

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph Paternoster)
Application No.: 10/511,421)
PCT No.: PCT/US02/34628)
Int'l. Filing Date: October 28, 2002)
Priority Date: October 26, 2001)
For: USE OF TERMOREGULATORY)
MATERIAL TO IMPROVE)
EXERCISE PERFORMANCE)

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS MAILED
MAY 4, 2005

COPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that the correspondence enclosed herein is being deposited as first class mail with the United States Postal Service on this date May 27, 2005, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 27, 2005 By:

Magdalena Blackmer
Magdalena Blackmer

Sir:

This responds to the Notification of Missing Requirements mailed May 4, 2005, a copy of which is enclosed. Also enclosed, are copies of the signed, 2-page Declaration and the Express Mail Certificate (indicating 2-page Declaration, highlighted) as originally filed with the Petition for Revival on October 14, 2004. The inventor's citizenship is indicated at the top of Page 2.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to Deposit Account No. 04-0822. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

DERGOSITS & NOAH LLP

By:

Richard A. Nebb
Richard A. Nebb, Reg. No. 33,540

Dated: May 27, 2005

Four Embarcadero Center
Suite 1450
San Francisco, CA 94111
(415) 705-6377 Telephone
(415) 705-6383 Facsimile

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

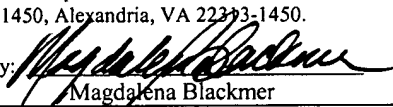
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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,421	Joseph Paternoster	298.41

INTERNATIONAL APPLICATION NO.

PCT/US02/34628

I.A. FILING DATE	PRIORITY DATE
10/28/2002	10/26/2001

Dergosits & Noah
Four Embarcadero Center
Suite 1450
San Francisco, CA 94111

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MAY 09 2005

DERGOSITS & NOAH, LLP

CONFIRMATION NO. 4654

371 FORMALITIES LETTER



OC000000015930076

Date Mailed: 05/04/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/14/2004
- Oath or Declaration filed on 10/14/2004
- Request for Immediate Examination filed on 10/14/2004
- U.S. Basic National Fees filed on 10/14/2004
- Priority Documents filed on 10/14/2004

DOCKETED

WRS
MAY 09 2005

060405 Remind
070405 Deadline
080405 Remind
090405 Remind
100405 Remind
110405 Final
w/ xrn

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the citizenship of each inventor.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,421	PCT/US02/34628	298.41

FORM PCT/DO/EO/905 (371 Formalities Notice)